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February 18, 2011

VIA FACSIMILE

Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10021
(212) 805-7949 (fax)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2-18-11</u>

Re: **GO SMILE, Inc. v. Dr. Jonathan B. Levine, D.M.D, P.C.
and Dr. Jonathan B. Levine, 10 CIV 8663 (PKC)**

*Application granted
SO ORDERED
USDS
2-18-11*

Dear Judge Castel:

This firm, along with co-counsel at Flemming Zulack Williamson & Zauderer LLP, represents plaintiff GO SMILE in the above-referenced action.

We write pursuant to your Individual Rules of Practice to request an adjournment of time within which to oppose defendants' Motion to Dismiss, filed via ECF on January 4, 2011. The original deadline for GO SMILE's opposition was January 18, 2011, and the original deadline for defendants' reply is January 25, 2011. On January 18, 2011, and with the agreement of defense counsel, we requested by letter an extension of those dates to February 14, 2011 and February 28, 2011, respectively.

[We now respectfully request that Your Honor extend the deadlines for the opposition and reply to today, February 18, 2011 and March 1, 2011, respectively.] Defendants' counsel consents to the aforementioned extensions of time. I apologize for submitting this letter application after the previously agreed February 14, 2010 deadline. In the course of preparing for the preliminary injunction hearing, I simply neglected to do so, and I apologize to the Court. *OK*

We thank the Court in advance for its consideration of this matter.

Respectfully,

Annaliese F. Fleming (AFS)

Annaliese F. Fleming

cc: Counsel of Record (via e-mail)